

TOWN OF CHATHAM
488 State Route 295
Chatham, New York 12037

TOWN BOARD MEETING MINUTES

June 17, 2021 @ 6:30PM

GOOGLE MEET: meet.google.com/xvk-tdzq-gdz
JOIN BY PHONE: (US)+1 929-356-6939 PIN: 713 098 835#

PRESENT

Supervisor Donal Collins, Councilmembers Vance Pitkin, Abi Mesick, John Wapner, Kevin Weldon, CAATS Tammy Shaw, Town Clerk Beth Anne Rippel

Supervisor Collins called the meeting to order and led the pledge to the flag.

PUBLIC COMMENT

Adele Kleiman-Levine asked what was going on with the Albany Turnpike Bridge traffic signal. Collins gave an update and said that the pre-construction meeting will take place tomorrow morning with B&L and the contractors. Shaw will post any updates that become available.

CORRESPONDENCE

1. Andy Beers (Hudson Greenway) Re: Rail Trail Parking Lot
up and running in North Chatham.
2. Karen dePeyster (Tobacco-Free Action of Columbia & Greene) Re: New Signs that are
available to the Town.

SUB-COMMITTEE REPORTS

1. Report by Councilman Weldon and Councilman Pitkin: Park & Recreation Committee. Weldon reported that they are working on Park Day. Camp registration was held at Crellin. There were a few interested in financial aid. There are several residents interested in creating a dog park at Crellin Park and will go ahead with a survey to see if there is any other interest.
2. Report by Supervisor Collins: Finance & Planning Committee. Collins reported that the federal treasury will be dispensing money (ARPA American Rescue Plan Act) to local governments of covid relief. We are a non-entitlement unit with less than 50,000 population. The treasury will be giving money to the state who will be conveying it to us. The treasury is starting to finally refine their guidelines for our designation. We have four basic parameters. It involves everything from what expenses covid precautions are going to have for our government to how to deal with

essential workers and compensation, revenue, losses and infrastructure. We have until December of 2024 to spend the money and we are being advised to be patient and careful and meticulous as we proceed.

3. Report by Councilman Weldon: Climate Smart/Action Task Force Committee.

We've met the threshold for Solarize Chatham and have been notified that we have qualified \$5,000 grant from NYSERDA for future green projects. We've been working on benchmarking and greenhouse gas inventory which will help qualify them for additional grant funding.

4. Report by Councilwoman Mesick: Communications Committee.

Working on July newsletter. The Town FB page has 682 followers and growing. Mesick thanked Shaw for all her work on this. Mesick asked if when a topic/issue goes to the TB for their comment the Communications Committee will give them three days to review it and return comment. If there is no response then the Committee will automatically move ahead. **MOTION** was made by Pitkin, seconded by Collins and carried to follow the above protocol.

5. Report by Councilwoman Mesick: Comprehensive Plan Update Review Committee.

Mesick reported that they met with Michael Allen and worked on the survey. They discussed electronic vs. paper, the possibility of a postcard. They unfortunately did not receive the Greenway Grant but will apply again when another round of funding opens in September.

6. Report by Councilman Pitkin: Broadband Committee

They're still waiting for Spectrum for the build outs for the address block they supplied to them. They're keeping their names in front of Senator Jordan's and Congressman Delgado's office so they'll be notified as soon as the money becomes available.

Supervisor Collins, at the request of the Town Board by resolution, gave a rundown on what a Supervisor does on the County level: "First and foremost, I sit on the County Board of Supervisors. What we vote on is really an aggregate of what all the subcommittees and the committees do and work towards within the county. I sit on six boards and committees in addition to the Board of Supervisors and they are as follows; the economic development committee. So most recently, we talked about the county pursuing a broadband mapping contract and Vance it's timely because I just received an email this afternoon from Mike Tucker asking for a local contact. So, with your permission I'd like to include you and also David Levow who, I think, was instrumental in chasing down all the parcel addresses when we developed our own map to see what we can do to help the county there, if that's okay with you beautiful. The Economic Development Committee has also been talking about large-scale solar projects, and the pilot programs. Instead of opting out of a tax exemption, there's a negotiation that these developers will pay for certain community benefits. Half goes to the school system, and half to the county. It's based on a certain amount of dollars per megawatt per year. The third component is the CEDC, the Columbia Economic Development Corporation, which receives an annual stipend from the county, in a non-covid year \$400,000 stimulus for small businesses within our County. I'm also on the Public Works committee so they have four subdivisions highway engineering, solid waste and facilities. County Highway purchase practices are similar to what we do for Town purchases; they use their CHIPS money to pay for equipment when possible.

Supervisor continued: County Engineering is handling the sewer line extension along Route 66 to the commerce park. Solid waste: we've been talking about upgrades initially and, consolidation and actually closing some of the satellite transfer stations. But pretty much unanimously, all the supervisors that have transfer stations within their district, myself included, were not in

agreement with closing facilities. A lot of people use these stations and it will keep traffic from going into the more central locations. So what they're proposing is to upgrade some of the equipment. The grounds are in need of new asphalt and things of that nature. The County worked with a company that does large scale, energy efficiency upgrades in most of their buildings, new windows, more efficient, heat pumps, more efficient, air conditioning and the like.

-I'm also on the Columbia County Agricultural and farmland protection board. We've been discussing the large-scale solar projects and what soils they fall upon. In many cases, they fall upon good soils and we try to steer that development away from the good soils, from the good land for agriculture. We also talked about new farms being included in Ag. Districts and the purchase of development rights for conservation purposes.

-Collins is also on the Soil and Water Conservation District committee. What we've been doing lately is talking about cover crops subsidies and fencing, grants for farmers. CC climate smart communities, formed recently, this is going to look at both the county facilities and also trying to form an umbrella to help all the different municipalities with their climate, smart communities, interact and exchange information. At a recent meeting we discussed hiring interns and the director of this initiative in general.

-I'm also on the Occupancy Charge Review committee and this occupancy tax is for short rentals. The state was going to institute a (I think) a 4%.tax on STRs but that fell through on this budget. The County is likely to pursue the occupancy tax itself. We just have to try to push this legislature, which will take quite some time. But one of the great complaints, I think, about short term, rentals is from the B&B industry that have all these other surcharges. Another thing that was discussed, there was a Granica's Compliance shared service with municipalities where a compliance company will work with the County and the County working with the towns will have a great cost reduction.

-I'm also on several sub subcommittees as well. I met with a few supervisors along this north eastern corridor about possibly extending public transit coming out of Hudson with a County bus going through Chatham, Canaan, possibly New Lebanon.

Collins reported that he has been able to sit in on other county committee meetings, (which he does not officially sit on) using a virtual meeting platform. It's a good way to educate myself on what's going on with some of the other branches. Health and Human Services had a great presentation on something called the "sequential intercept model mapping" that's dealing with how drug dependency and mentally challenged individuals are treated as they are brought through the system and trying to cover gaps. Gaps, the county has basically in the treatment. And it's called treatment to transition. And to make sure these involved individuals aren't just incarcerated that they're diagnosed and addressed and it also has to deal with perhaps one day creating a facility, much larger facility, that's all encompassing.

-At a Finance Committee meetings most recently it was revealed that sales tax rose about 25% which is a beautiful number but they say don't get too excited because the state may try to alter their distribution algorithm.

-Public Safety: body cams and police reform; we did adopt a police reform program. County government deals with things like real property tax. county planning, veterans affairs. Real property tax started and Suzette Booy was talking about the reval with some towns and both Claverack and Germantown and wanted to express how satisfied and excited they were with the service that Suzette and her group provided.

Highlights from the town of Chatham;

-The Chatham Agricultural Partnership had their Ag and Open Space Plan kickoff at the beginning of June. That was with DEC, Cornell and CLC. We all voted to move ahead on that. The Comprehensive Plan Update committee: First public meeting was at PS21 with our planner, Michael Allen. Thanks again to Kelly Mackerer, PS21 and Michael Allen and everyone who attended,.

-The meeting with UHY LLP on the AUD (annual update document) was good news. We have a healthy fund balances. Also, were working on the NYMIR (insurance policy) and looked at alternate packages that include cyber-security. Before we pursue possibly getting cyber-security insurance we need to bolster up our security.

-Discussion was had with Village Mayor John Howe about the Chatham Rescue Squad coverage gap. They have two outposts, one in the village and one out in Canaan. They cover a lot of area and they had a staffing shortage. It led to the Outpost in Chatham not being staffed so the mayor was concerned. He called me, Ghent Supervisor, Mike Benito, Supervisor Lagonia and Columbia County. EMS coordinator, PJ Keeler to meet and talk about how to make sure this doesn't happen again.

-A pre-construction meeting will be tomorrow for the Albany Turnpike Bridge Special thanks to Tammy Shaw who has done so much work with readjusting not only our Grant but also keeping all of the material inline for the project

-Columbia County 911, Robert Lopez called about a communications tower. They have until the end of the year to use about 2.5 million dollars in grant money to erect a communications tower for 911 for National 911 and will be sending information. I've already talked to building inspector Kent Pratt and they're looking to possibly establish this in our idle acreage at the highway garage.

-At a special Town Board meeting the Morris Memorial made a presentation regarding their wish to build a community center at Crellin Park. Collins attended the Village of Chatham board meeting with the Morris presentation.

-We received correspondence regarding the rail trail parking lot completion in North Chatham. -- NYSEG LED upgrade: The agreement has been signed and submitted.

-Office hours: Collins is in the office most every day for a few hours.

Wapner asked how the County deals with recreation funding. Collins said that Jessica Nabozny was in-charge of the Youth Department and he'd ask if she'd like to make a presentation to the Board. Pitkin said it was good to hear what the County is working on, it's impressive, all the committees Collins serves on.

Collins liked being able to do meetings from a fender of a tractor up off Rock City Road and being able to become more knowledgeable on many things. But unfortunately the convenience of virtual meetings will change when they go back to in-person. As a town representative, Collins said will continue to try to go to the ancillary meetings even though he is not on those committees he picks up a lot and has found that we have a great group of supervisors in our county.

REPORTS:

1. Assessor – no report
2. Code Enforcement/Building Inspector – no report
3. Dog Control – no incidents to report
4. Environmental Management Council – no report
5. Finance Department – on file
6. Highway Department – on file
7. Justice Court – on file
8. Office of the Aging Advisory Board – no report
9. Recreation Director – on file
10. Supervisor's Report – on file
11. Town Clerk report - on file

NEW BUSINESS:

1. Town Opt In/Out Cannabis Dispensary and Locations

At the end of March Governor Cuomo legalized adult use marijuana. We're looking at not only adult use being legalized (and that's something we cannot opt out of as a town), but the option of being able to opt out of having retail dispensaries. We have until the end of this year to vote whether we want to remain or to opt out of allowing potential dispensaries. We have a sample resolution to opt out which contains parameters of the law. I'm not encouraging opting out or staying in. That's something we can talk about in more detail.

Rappleyea said "yes", If the Town does nothing they are in and if the Town decides to opt out they need to do a resolution subject to permissive referendum. If we chose to remain in then we need to figure out how to regulate a dispensaries (size, number etc.) and where to locate them.

Collins added that it is a 30 day permissive referendum.

Rappleyea: basically the resolution says that we choose to opt out. If anybody wants to put it to a vote, they've got 30 days to circulate a petition file it with the Town Clerk and then we have an election, a referendum to either confirm or not the opting out.

Collins will do some public outreach and contact Massachusetts municipalities to get their feedback on dispensaries in their state. He wants to get the information out there so everyone can start thinking about it.

2. Peddler Permit/Fees –Rippel reported that the Town passed local law #3 in 2015 which now needs to be reviewed and updated. Rippel and Kent Pratt will work on that.

3. Special Event Use Permit/Chatham Brewing on Park Day, 8/7/2021

West said that the past special event use permit for alcohol consumption includes a checklist which provides the applicants proposed site plan, time, date, etc. and the requirement demonstrating that they have the training, skill and experience to operate an event of the scope identified in the application. A valid liquor license specific to the event is required when applying for a permit for alcohol at Crellin Park.

4. COVID Protocol Changes (John Wapner)

West reported that here's no requirement to continue with restrictive planning specific to covid for outdoor summer day camps. We'll keep an eye on any new developments and stay in touch with the Columbia County Health Department, which I do on a consistent basis in a regular year as well. We have plans ready to implement at any time.

Wapner said that he and Swartz would like to continue the COVID Committee

Collins made a **MOTION** to retain the COVID Advisory Committee, allow Mike West to make spot decisions with respect to public health and safety at Crellin Park and with the understanding that emergency board meetings can be schedules should the issue go beyond the recreation director's scope or desires. Weldon seconded and the motion carried.

OLD BUSINESS:

1. Hartigan Road Bridge Slope Failure

The town board of 2018-2019 pursued New York State DOT for some kind of remediation of this

failure but it's still presenting itself and what I sent the board a little while ago was a supplemental agreement from B&L who did have some involvement with pursuing state accountability. There is quite a massive amount of erosion. We should pursue this and we should use the help with this engineering firm. We need to do something about this before it starts undermining the road and the asphalt.

Mesick said that we shouldn't have to pay for this. Collins: Can we seek damages and legal fees. There's an email trail where it was discussed and then walked away. Rappleyea said that the Town should definitely pick this up and do what needs to be done. They should pay to help fix it if not entirely fix it. In NYS it's rare that you get attorney's fees unless there's something really egregious. Collins said that he believes there's money in contingency fund (engineering) to get started.

Wapner: So what you're telling us is that we have to pay \$5,000 in engineering consultation fees and design to get the state to do what they're supposed to do.

Collins: reached out to the state personally when he first became aware of this and spoke with our regional representative. Hel assured me he was going to resuscitate conversations with Poughkeepsie office and he hasn't. I know the B&L has worked on this and they're familiar with it. We can try more of a grassroots campaign but it's been recommended to me by multiple people to continue with this engineering firm. So, yes, we'd be paying money to try to get money.

2. Pump Track RFP Approval- West put out RFP and American Ramps proposal came in between \$28 and \$32, 000 incorporating volunteerism and in-kind donations, material and equipment. The other RFP was from Get Dirty Designs and they were between \$7,180.00 and \$10,550.00. West recommends going with Get Dirty Designs. Conversation continued.....

PENDING DISCUSSIONS FOR WORKSHOP MEETING:

1. Crellin Park Master Plan Design
2. Solar Draft
3. Timber Harvest Permits

RESOLUTIONS:

1. Resolution #125-21: To accept the Town Accountant's Financial Supervisor's Report.
Offered by Collins Seconded by Weldon

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

2. Resolution #126-21: To accept the Financial Abstract as presented to pay the Town bills.
Offered by Mesick Seconded by Pitkin

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

3. Resolution #127-21: To approve Town Board Meeting minutes.
Resolution to approve the minutes of the Town Board Meetings for the following dates: May 6, 2021 and May 20, 2021.

Offered by Weldon Seconded by Mesick

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

4. Resolution #128-21: To approve the agreement with Stonykill Disc Golf.

WHEREAS, the Town of Chatham has granted Stonykill Disc Golf Club a non-exclusive license to use the land adjacent to Town Hall for Recreational Disc Golf; and

WHEREAS, the initial term of this Agreement is for a one-year period and shall be renewed annually by execution of a new agreement; and

THEREFORE BE IT RESOLVED, the Supervisor is authorized to execute the 2021 annual agreement with Stonykill Disc Golf for the period of (1) year beginning as soon as the agreement is executed.

Offered by Collins Seconded by Weldon

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

5. Resolution #129-21: To approve RFP for Crellin Park Pump Track.

WHEREAS, the Recreation Director was authorized to advertise for the Design and Construction Proposal for the Crellin Community Park Pump Track Project; and

WHEREAS, the Design & Construction of the pump track will be expensed from donations and volunteer labor; and

THEREFORE, BE IT RESOLVED, that the Chatham Town Board approves the lowest proposal from Jim Martinez, 151 W. Old Country Road, Hicksville, New York 11801 for the Design & Construction of the Crellin Community Park Pump Track for the sum not to exceed \$10,550.00 which will be paid for by donations.

Offered by Collins Seconded by Mesick

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

6. Resolution #130-21: To approve Crellin Park Fee Schedule for rentals.

WHEREAS, the Chatham Town Board is authorized to approve fees by resolution; and

NOW, THEREFORE, BE IT RESOLVED, that the Chatham Town Board hereby approves the amended Crellin Park Pavilion Rental fees as follows effective immediately:

Crellin Park Pavilion Rental – Revised Fee Schedule Proposal

Assuming all current requirements included in reservation packet:

Back Pavilion: (no revision)

\$30 per hour

\$20 per hour – non-profit organizations.

\$0 community give-back use.

Front Pavilion:

\$60 per hour

\$30 per hour – non-profit organizations.

\$0 community give-back use.

Weddings:

~~\$3,000 flat rate~~

Community give-back use examples:

- Chatham Lion's Annual Easter Egg Hunt
- Chevalier Ballet's recent use: free ballet workshop provided for community youth & free community performance including performance by workshop participants.
- Chatham School District class picnics.

Offered by Weldon Seconded by Mesick

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

7. Resolution #131-21: To establish a new Tobacco-Free Zone at Crellin Park.

Tobacco-Free Park Resolution

The **Town of Chatham** hereby adopts the following resolution to establish tobacco-free zones at Crellin Community Park.

Definitions:

"Tobacco Products" means all manufactured products containing tobacco or nicotine, including cigarettes, cigars, pipe tobacco, chew, electronic cigarettes, **all other vaping products and nicotine delivery systems and devices.**

"Smoking" means inhaling, exhaling, burning, **vaping**, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco, nicotine, or plant product, **including cannabis**, intended for inhalation, in any manner or in any form.

WHEREAS, smoking is responsible for the premature deaths of over 450,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS, children exposed to secondhand smoke are more likely to have reduced lung function and symptoms of respiratory irritation; and

WHEREAS, children with asthma who are exposed to secondhand smoke are especially at risk for having their condition worsened by secondhand smoke; and

WHEREAS, Secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, 90% of smokers started smoking by or before the age of 18, and the average initiation age is 13 years old; and

WHEREAS, everyday and estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco related illnesses; and

WHEREAS, e-cigarettes and vaping are designed to deliver nicotine, a highly addictive drug; and

WHEREAS, e-cigarettes and vaping are the most common nicotine products used by teens; over 27% of high school students in New York use some form of e-cigarette; and

WHEREAS, nicotine exposure causes changes in the developing brain that affect learning, attention, and susceptibility to other addictions; and

WHEREAS, to help role model non-smoking behavior to children and youth; to provide children, youth and their families with a safe, smoke-free environment;

THEREFORE, the Town of CHATHAM, COLUMBIA County, resolves: That in Town Parks (or: playgrounds, ballfields, beaches, recreation areas) appropriate signage will be posted designating the parks tobacco-free, e-cigarette and cannabis free zones. The Town Clerk shall certify to the adoption of the resolution.

This resolution will become effective on June 17, 2021.

Offered by Mesick Seconded Wapner

VOTE

AYE: Collins, Pitkin, Mesick, Wapner, Weldon NAY: None Resolution adopted

8. Resolution #132-21: To approve a Special Event Use Permit/Crellin Park.

To approve the Special Event Use Permit for Crellin Park

WHEREAS, the Chatham Town Board has determined that alcohol may be served under limited conditions at property owned by the Town known as Crellin Community Park under a Special Event Use Permit procedure; and

WHEREAS, Chatham Brewing, LLC. has requested a Town Board Special Use Permit for use of alcohol at Crellin Community Park during Park Day on August 7, 2021, and an application,

including copies of NYS Liquor License, Certificates of Insurance, deposit of \$1000.00 and use fee of \$250.00 will be submitted for the purpose of this event; and

THEREFORE, BE IT RESOLVED, that alcohol may be permitted to be sold by Chatham Brewing, LLC and consumed at Crellin Community Park in conjunction with Park Day on August 7, 2021 upon the issuance of a Special Event Use Permit, deposit of \$1,000.00 and use fee of \$250.00 as determined by the majority vote of the Town Board.

Offered by Weldon Seconded by Wapner

Discussion:

Mesick: If we don't want children to drink at the park, I don't think we should have adults drinking at the park. I think we should discuss this further. But I definitely support the fun and the excitement of Park Day and I fully support Chatham Brewing. I disapprove of this and I'm going to abstain

Pitkin: I'm conflicted about the overall issue myself but thinks in this case it supports a local company. I will vote in the positive on this.

Supervisor: I am going to abstain too because I'm so conflicted over this.

VOTE

AYE: Pitkin, Wapner, Weldon NAY: None ABSTAIN: Collins, Mesick Resolution adopted

Collins made a **MOTION** to enlist the assistance of B&L in the Hartigan Road slope failure mitigation, Weldon seconded. Mesick asked if there was a spending limit. Collins said yes, \$5,000.00 and realizes it's a lot of money but it's got to be fixed. Wapner can't support this, spending money to money. We should get the State to do what the State should do. This is corrupt. Mesick agrees but is there another option. Wapner said he realizes this is dangerous so we have to appeal to our state representatives for their assistance. Wapner wishes he had some other idea on how to proceed. Pitkin also agrees with Wapner but would rather spend the \$5,000 on the attorney if there are legal ramifications.

Rappleyea said that the Town could bring a lawsuit against the State but we would still need to have an engineer to do the study. Weldon added that it makes sense to go with B&L at this point. Wapner is not in favor.

MOTION carried.

CONDUCT ANY OTHER BUSINESS THAT COMES BEFORE THE TOWN BOARD

Weldon was contacted by an OC resident asking if the speed sign could be repositioned to face the opposite direction from where it is currently positioned.

Supervisor: spoke in regards to the motion from the last meeting on the make-up of the Morris Association and TOC partnership exploratory committee. Collins would like to recommend that one member of that committee be from the Chatham Central School District and that one of the last sentences in that motion with the administrative structure being determined by the committee should be changes. I think that should be in the town boards' purview, especially if we're dealing with town property. I want the motion to clarify that this is an exploratory committee, delete the voting language. Wapner doesn't see why voting in an issue. There will be ongoing communication

between the committee and the Town Board. Collins would be happy to write something up for the workshop meeting..... Discussion continued amongst the board members.

PUBLIC COMMENT

Mackerer: I have mixed feelings about alcohol at the park. I'd spent a lot of time at the park coaching when the kids were younger and I see the park as more youth orientated and the adults should be setting examples. When you have a park and you discussing youth recreation at the park and at the same time we're discussing alcohol at the park there's something wrong. As years of coaching in the rec. and travel leagues I've always viewed the park as youth recreation oriented. If adults are going to set examples, I think they can go one day without alcohol. That's my opinion.

MOTION TO CLOSE MEETING

On a motion by Collins, second by Weldon and carried the meeting adjourned at 8:32PM.

Respectfully submitted by,
Beth Anne Rippel, RMC
Town Clerk